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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Anthony X. Jarvis et al.

U.S. Patent No.: 7,757,066

Issue Date: July 13, 2010

Serial No.: 09/751,372

Filed: December 29, 2000

For: SYSTEM AND METHOD FOR EXECUTING
VARIABLE LATENCY LOAD OPERATIONS IN A
DATA PROCESSOR

Group No.: 2183

Examiner: Aimee J. Li

Confirmation No.: 8275

MAIL STOP PATENT EXT.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
DETERMINATION UNDER 37 C.F.R. § 1.705(d)

The Applicant respectfully requests that the Office reconsider the patent term adjustment determination for the above-identified issued patent. In support, the Applicant notes the following:

1. In the patent issued July 13, 2010, the patent term adjustment was determined to be 2,644 days.

2. The Applicant believes the correct patent term adjustment should be calculated as 2,721 days.

3. This patent application was filed on December 29, 2000.

4. The first Office Action was mailed on November 18, 2003, which is 628 days after fourteen months from the filing date (+628 days).

5. The Applicant's response to the November 18, 2003 Office Action was received on February 24, 2004, resulting in a deduction of 6 days (-6 days).

6. The Applicant's response to the April 22, 2004 Office Action was received on August 26, 2004, resulting in a deduction of 35 days (-35 days).

7. The Applicant's response to the January 13, 2005 Office Action was received on April 19, 2005, resulting in a deduction of 6 days (-6 days).

8. The Applicant's response to the October 6, 2005 Office Action was received on January 3, 2006, a first supplemental response was received on January 11, 2006, and a second supplemental response was received on April 11, 2006, resulting in a deduction of 98 days (-98 days).

9. The Applicant's response to the June 29, 2006 Office Action was received on October 3, 2006, resulting in a deduction of 4 days (-4 days).

10. The Applicant's response to the December 29, 2006 Office Action was received on April 2, 2007, resulting in a deduction of 4 days (-4 days).

11. The Applicant filed an appeal on April 2, 2007 and received a favorable decision on appeal on November 19, 2009, resulting in an extension of 962 days (+962 days).

12. The three-year mark after filing is December 29, 2003. The patent issued on July 13, 2010. As a result, the Applicant is entitled to a maximum additional adjustment of 2,388 days for the time between December 29, 2003 and July 13, 2010.

13. Of this 2,388-day period, the application was on appeal from August 24, 2004 until January 13, 2005 and from April 2, 2007 until November 19, 2009. As a result, the Applicant is entitled to an additional adjustment of 1,284 days (+1,284 days).

14. The Applicant therefore believes the correct patent term adjustment should be calculated as 2,721 days (628 days – 6 days – 35 days – 6 days – 98 days – 4 days – 4 days + 962 days + 1,284 days).

15. In the event the Applicant's calculation is incorrect and the Applicant is entitled to a patent term adjustment greater than 2,721 days, the Applicant respectfully requests the Office to determine and issue the proper patent term adjustment entitled to the Applicant.

Therefore, the Applicant respectfully requests that the Office reconsider the determination of patent term adjustment and find that the Applicant is entitled to a patent term adjustment in the amount of 2,721 days.

If any issues arise, the Applicant respectfully invites the Office to contact the undersigned at the telephone number indicated below or at wmunck@munckcarter.com.

The Applicant has included the appropriate fee for this petition. The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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Date:

July 21, 2010

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